

REMARKS

Claims 1-115 are pending in this application; claims 1-63, 70-84 and 88-115 are withdrawn; claim 64 is amended herein; claims 65 and 66 are cancelled, and therefore claims 64, 67-69 and 85-87 remain for consideration.

Claim 64 is rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Dischler (U.S. Pat. No. 6,032,372). The rejection is traversed and reconsideration is respectfully requested, particularly in view of the clarifying amendments to the claims.

Dischler is directed to safety razor heads having an intrinsically fenced unitary blade oriented at a high slicing angle to the shaving direction. The unitary blade comprises a plurality of short blade edges in a spaced relationship across the width of the blade, bounded by leading and trailing guards, and oriented at an angle greater than 30 degrees. Dischler shows approximately 25 blades (Fig. 1) or 50 blades (Fig. 3) within the shaving area.

Dischler, however, does not teach or suggest a hair removal device comprising a substantially planar and rigid substrate, and at least 100 micro-blades connected to the substrate, as recited in amended independent claim 64 of the present application. Rather, Dischler shows a safety razor head having at most 50 blades within the shaving area (see Fig. 3).

For an anticipation rejection to be appropriate, each and every limitation in a rejected claim must be shown in a single prior art reference used in the claim rejection. Because, Dischler does not teach or suggest a hair removal device comprising at least 100 micro-blades connected to a substrate, it cannot be maintained that Dischler anticipates claim 64 of the present application.

Claims 64 and 85-87 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Iten (U.S. Pat. No. 4,977,670). The rejection is traversed and reconsideration is respectfully requested, particularly in view of the clarifying amendments to the claims.

Iten is directed to a shaving implement comprising a housing having a plurality of apertures through a shaving surface. Each aperture contains a razor assemblage. Each assemblage includes a soap bar guard and a razor blade connected to one another and mounted for angular and linear floating movement in the housing on a resilient pad. The soap bar guard extends beyond the periphery of

the cutting edge of the blade and defines an annular opening for receiving debris from the shaving action. The razor blade is circular and may be flat, dished or concave or have an annular planar margin with a cup-shaped depression so that the connection between the blade and guard lies below the plane containing the razor edge. Iten shows less than 20 blades within the shaving area (see Fig. 1).

Iten, however, does not teach or suggest a hair removal device comprising a substantially planar and rigid substrate, and at least 100 micro-blades connected to the substrate, as recited in amended independent claim 64 of the present application. Rather, Iten shows a shaving implement having less than 20 blades within the shaving area (see Fig. 3).

For an anticipation rejection to be appropriate, each and every limitation in a rejected claim must be shown in a single prior art reference used in the claim rejection. Because, Iten does not teach or suggest a hair removal device comprising at least 100 micro-blades connected to a substrate, it cannot be maintained that Iten anticipates claim 64 of the present application. Moreover, because claims 85-87 each depend from and thereby incorporate the limitations of claim 64, these dependent claims are likewise deemed not anticipated by Iten for at least the reasons set forth for claim 64.

Claims 65-69 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dischler (U.S. Pat. No. 6,032,372). The rejection is traversed and reconsideration is respectfully requested.

As mentioned above, Dischler does not teach or suggest a hair removal device comprising a substantially planar and rigid substrate, and at least 100 micro-blades connected to the substrate, as recited in amended independent claim 64 from which remaining rejected claims 67-69 each ultimately depend. Rather, Dischler shows a safety razor head having at most 50 blades within the shaving area (see Fig. 3). Since Dischler does not disclose non-standard blade manufacturing techniques, in order to use more than 100 blade elements with the Dischler razor, the shaving area would have to be significantly increased, resulting in a large, rigid, unwieldy shaving area. For 100 blades, the shaving area would be at least doubled for Dischler, and for 1000 blades, the shaving area would be increased twenty-fold for Dischler.

Moreover, Applicants respectfully disagree with the grounds of rejection. The obviousness question is not whether it is a matter of design choice to use any

number of blades with the present invention (because it appears that *the invention* would perform equally well with any number of blades, whether 10, 50, 100, 200, 500, or 1000), but whether using any number of blades would be obvious from the prior art. We submit that Dischler teaches against using 100 or more blades, because of the corresponding increase required in the shaving area. Further, it is submitted that the teaching of the previously cited reference to Pribe, wherein a very high number of cutters are attached to a shaving cloth, is inapplicable, because Pribe discloses a flexible, cloth substrate and claim 64, from which remaining rejected claims 67-69 each ultimately depend, recites a rigid substrate. In view of the foregoing, it is respectfully submitted that remaining rejected claims 67-69 are unobvious over Dischler.

Claims 65-69 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Iten (U.S. Pat. No. 4,977,670). The rejection is traversed and reconsideration is respectfully requested.

As mentioned above, Iten does not teach or suggest a hair removal device comprising a substantially planar and rigid substrate, and at least 100 micro-blades connected to the substrate, as recited in amended independent claim 64 from which remaining rejected claims 67-69 each ultimately depend. Rather, Iten shows a shaving implement having less than 20 blades within the shaving area (see Fig. 3).

Since Iten does not disclose non-standard blade manufacturing techniques, in order to use more than 100 blade elements with the Iten razor, the shaving area would have to be significantly increased, resulting in a large, rigid, unwieldy shaving area. For 100 blades, the shaving area would be at least quintupled for Iten, and for 1000 blades, the shaving area would be increased fifty-fold for Iten.

Moreover, Applicants respectfully disagree with the grounds of rejection. As mentioned above, the obviousness question is not whether it is a matter of design choice to use any number of blades with the present invention (because it appears that *the invention* would perform equally well with any number of blades, whether 10, 50, 100, 200, 500, or 1000), but whether using any number of blades would be obvious from the prior art. We submit that Iten teaches against using 100 or more blades, because of the corresponding increase required in the shaving area. In view of the foregoing, it is respectfully submitted that remaining rejected claims 67-69 are unobvious over Iten.

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In view of the foregoing, it is respectfully submitted that claims 64, 67-69 and 85-87 are in condition for allowance. All issues raised by the Examiner having been addressed herein, an early action to that effect is earnestly solicited.

No fees or deficiencies in fees are believed to be owed. However authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any such fees are owed.

Respectfully submitted,

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